

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRIAN WHITAKER,
Plaintiff,

v.

OHANAACAI L.L.C.,
Defendant.

Case No. [21-cv-08769-VC](#)

**ORDER DISMISSING UNRUH ACT
CLAIM**

Re: Dkt. No. 20

1. The Court declines to exercise supplemental jurisdiction over the Unruh Act claim. *See Arroyo v. Rosas*, 19 F. 4th 1202, 1211–14 (9th Cir. 2021). The case is in its early stages, so concerns of judicial economy, convenience, fairness to litigants, and comity do not favor retaining jurisdiction. *See id.* at 1214. And the facts of the case—“a frequent filer of ADA and Unruh Act claims seeking federal jurisdiction to circumvent California’s procedural barriers to such suits—present the type of exceptional circumstances contemplated by section 1367(c)(4)” to decline supplemental jurisdiction. *Whitaker v. Alice & Olivia California Holdings LLC*, 2022 WL 1135088, at *1 (N.D. Cal. Apr. 18, 2022).

2. The defendant shall notify the Court within 14 days of this order whether it would like a 3-month period of jurisdictional discovery or whether it would instead prefer to move directly to an evidentiary hearing. If the defendant opts for jurisdictional discovery, it will be permitted to take discovery on the plaintiff’s intent to return and whether the plaintiff did, in fact, personally visit the defendant’s establishment in the first place.

IT IS SO ORDERED.

Dated: July 6, 2022



VINCE CHHABRIA
United States District Judge